

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TRUSTEES of the CHICAGO REGIONAL  
COUNCIL OF CARPENTERS PENSION FUND,  
CHICAGO REGIONAL COUNCIL OF  
CARPENTERS WELFARE FUND, and CHICAGO  
REGIONAL COUNCIL OF CARPENTERS  
APPRENTICE & TRAINEE PROGRAM FUND

Plaintiffs,

v.

TOP SHELF INSTALLATIONS, INC., and  
GERSHON SAPPERSTEIN, individually and  
d/b/a TOP SHELF INSTALLATIONS, INC.,  
a dissolved Illinois corporation

Defendants.

CASE NO. 08-CV-2397

JUDGE DOW

**MOTION FOR DEFAULT JUDGMENT**

Plaintiffs, by its attorney, David P. Lichtman, move this Honorable Court to enter Judgment by Default according to Fed. R. Civ. P. 55 for Defendants', TOP SHELF INSTALLATIONS, INC., and GERSHON SAPPERSTEIN, individually and d/b/a TOP SHELF INSTALLATIONS, INC., a dissolved Illinois corporation (hereinafter "Defendant"), failure to appear, answer or otherwise plead. Further, in support of this Motion the Plaintiffs state:

1. Plaintiffs filed their complaint on April 28, 2008 and the summons and complaint were served on Gershon Sapperstein individually via personal service on Mrs. Streff, a member of Defendant Sapperstein's household by Process Server, and on Top Shelf Installations, Inc. with the Secretary of State where Top Shelf Installations, Inc.'s registered agent could not be found at the registered address of record in Illinois. **(Exhibit A, Affidavit of Service)**

2. The Defendant has failed to appear, answer or otherwise plead within the time

allowed by the Fed. R. Civ. P.

3. At all times relevant to this action, the Defendant has been bound by the provisions of a Collective Bargaining Agreement and the Trust Agreements which created the Trust Funds. Pursuant to the provisions of the Trust Agreements and the Collective Bargaining Agreement, the Defendant is required to submit monthly reports to the Trust Funds which list the number of hours worked by the Defendant's employees and to pay the ERISA contributions based on those hours.

4. The Defendant submitted the monthly contribution reports for the period April 2007 through June 2007 but failed to submit the ERISA contributions shown to be owed in the amount of \$915.09. **(Exhibit B Affidavit of James Rosemeyer)**

5. The Defendant failed to remit reports and contributions for the period January 2008 through March 2008. Based on the company's previous contribution history, the Trust Funds estimate that the company owes an amount of \$29,155.50. The Defendant also failed to remit the union dues it withheld from the employees' wages. The amount of dues withheld is \$2,002.20 for the period January 2008 through March 2008. **(Exhibit B)**

6. The Defendant owes interest on the unpaid ERISA contributions in the amount of \$535.83 pursuant to the Trust Agreements and 29 U.S.C. §1132(g)(2)(B). **(Exhibit B)**

7. The Defendant owes liquidated damages on the unpaid ERISA contributions in the amount of \$2,809.03 for the period April 2007 through March 2008 pursuant to the Collective Bargaining Agreements, the Trust Agreements and 29 U.S.C. §1132(g)(2)(C)(iii). **(Exhibit B)**

8. The Defendant owes the sum of \$1,706.25 for necessary and reasonable attorney fees and costs of \$425.98 which are collectible under the terms of the Collective Bargaining

Agreement, the Trust Agreements and 29 U.S.C. §1132(g)(2)(D). (**Exhibit C, Affidavit of David P. Lichtman**)

WHEREFORE, Plaintiffs pray that their motion for judgment by default be granted in the amount of **\$37,549.88** and that, within ten days, the Defendant be ordered to produce contributions for the period April 2007 through June 2007 and reports and contributions for the period January 2008 through March 2008.

Respectively submitted,

/s/ David P. Lichtman  
Attorney for the Plaintiffs

David P. Lichtman  
Attorney No. 6290051  
Whitfield McGann & Ketterman  
111 E. Wacker Drive  
Suite 2600  
Chicago, IL 60601  
(312) 251-9700 Fax (312) 251-9701

## **EXHIBIT LIST**

### **EXHIBIT A**

Affidavit of Service, Special Process Server

### **EXHIBIT B**

Sworn Declaration Pursuant To 28 U.S.C.A. § 1746  
James D. Rosemeyer, Contributions Manager

### **EXHIBIT C**

Sworn Declaration Pursuant to 28 U.S.C.A. § 1746  
David P. Lichtman, Plaintiffs' Attorney

# **EXHIBIT A**

AO 440 (Rev. 05/00) Summons in a Civil Action

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

TRUSTEES OF THE CHICAGO REGIONAL  
COUNCIL OF CARPENTERS PENSION  
FUND, et al.

CASE NUMBER: 08 CV 2397

V.

ASSIGNED JUDGE: JUDGE DOW

TOP SHELF INSTALLATIONS, INC., and GERSHON  
SAPPERSTEIN, individually and d/b/a TOP SHELF  
INSTALLATIONS, INC., a dissolved Illinois corporation

DESIGNATED MAGISTRATE JUDGE BROWN  
MAGISTRATE JUDGE:

TO: (Name and address of Defendant)

TOP SHELF INSTALLATIONS, INC.  
c/o Gershon Sapperstein, registered agent  
3925 TRIUMRERA DR 16D  
GLENVIEW, IL 60025

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

DAVID P. LICHTMAN  
Whitfield McGann & Ketterman  
111 E. Wacker Drive, Suite 2600  
Chicago, IL 60601

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Michael W. Dobbins, Clerk

*Jacqueline Hallermon*  
-----  
(By) DEPUTY CLERK

April 28, 2008

-----  
Date



AO 440 (Rev. 05/00) Summons in a Civil Action

## RETURN OF SERVICE

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE 05-27-08
NAME OF SERVER (PRINT) DAVID LICHTMAN	TITLE Attorney

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served: \_\_\_\_\_

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: \_\_\_\_\_

☐ Returned unexecuted: \_\_\_\_\_

☒ Other (specify): Served on Secretary of State


## STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

 Executed on 05/27/08  
 Date

  
 Signature of Server

111 E. Wacker Dr. Suite 2600, Chicago, IL 60601  
 Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Form <b>BCA-5.25</b> (Rev. Jan. 2003)	<b>AFFIDAVIT OF COMPLIANCE FOR SERVICE ON SECRETARY OF STATE UNDER THE BUSINESS CORPORATION ACT</b>	File # <u>0251-4124</u>
Jesse White Secretary of State Department of Business Services Springfield, IL 62756 217-524-6748 www.cyberdriveillinois.com	This space is reserved by Secretary of State. <b>FILED</b> JUN 03 2008 JESSE WHITE SECRETARY OF STATE	<b>SUBMIT IN DUPLICATE</b>
Remit payment in check or money order payable to Secretary of State.		Date: Filing Fee: \$10 Approved: <i>PM</i>

## 1. Title and Number of Case:

Trustees of the Chicago Regional Council first named plaintiff  
Top Shelf Installations, Inc. first named defendant

Number 08cv23972. Name of corporation being served: Top Shelf Installations, Inc.3. Title of court in which an action, suit or proceeding has been commenced: U.S. District Court4. Title of instrument being served: Summons and Complaint

## 5. Basis for service on the Secretary of State: (check and complete appropriate box)

- a. ☒ The corporation's registered agent cannot with reasonable diligence be found at the registered office of record in Illinois.
- b. ☐ The corporation has failed to appoint and maintain a registered agent in Illinois.
- c. ☐ The corporation was dissolved on \_\_\_\_\_, \_\_\_\_\_; the conditions of paragraphs (a) or (b) above exist; and the action, suit or proceeding has been instituted against or has affected the corporation within five (5) years thereafter.
- d. ☐ The corporation's authority to transact business in Illinois has been withdrawn/revoked (circle one) on \_\_\_\_\_, \_\_\_\_\_.
- e. ☐ The corporation is a foreign corporation that has transacted business in Illinois without procuring authority, contrary to the provisions of the Business Corporation Act of 1983.

6. Address to which the undersigned will cause a copy of the attached process, notice or demand to be sent by certified or registered mail: Gershon Sapperstein, Reg. Agt, 7004 N. Rockwell, Chicago, IL 60645

## 7. The undersigned affirms, under penalties of perjury, that the facts stated herein are true, correct and complete.

*David P. Lichtman* May 27 2008  
 Signature of Affiant Month & Day Year

( 312 ) 251-9700  
 Telephone Number

## Return to (please type or print clearly):

David P. Lichtman  
 Name  
111 E. Wacker Dr., Suite 2600  
 Street  
Chicago, IL 60601  
 City/Town State ZIP



Form **BCA-5.25**

(Rev. Jan. 2003)

**AFFIDAVIT OF COMPLIANCE FOR SERVICE  
ON SECRETARY OF STATE UNDER THE  
BUSINESS CORPORATION ACT**File # 6251-4124

Jesse White  
Secretary of State  
Department of Business Services  
Springfield, IL 62756  
217-524-6748  
www.cyberdriveillinois.com

This space is to be used by Secretary of State.

**FILED**  
JUN 03 2008  
JESSE WHITE  
SECRETARY OF STATE

**SUBMIT IN DUPLICATE**

Date:

Filing Fee: \$10

Approved: Bm

Remit payment in check or money  
order payable to Secretary of State.

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

**OFFICIAL USE**

Postage \$

Certified Fee

Return Receipt Fee  
(Endorsement Required)Restricted Delivery Fee  
(Endorsement Required)

Total Postage

Sent To

Street, Apt. No.  
or PO Box No.  
City, State, Zip

Top Shelf Installations, Inc.  
Gershon Sapperstein, Reg. Agt.  
7004 N. Rockwell  
Chicago, IL 60645

PS Form 3800, June 2002

Incorporation was dissolved on

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

**OFFICIAL USE**

Postage \$

Certified Fee

Return Receipt Fee  
(Endorsement Required)Restricted Delivery Fee  
(Endorsement Required)

Total

Sent To

Street,  
or PO Box  
City, State, Zip

Top Shelf Installations, Inc.  
Gershon Sapperstein, Reg. Agt.  
3925 Triumvera Dr., 16D  
Glenview, IL 60025

PS Form 3800, June 2002

See Reverse for Instructions

Return to (please type or print clearly):

David P. Lichtman

Name

111 E. Wacker Dr., Suite 2600

Street

Chicago, IL 60601

City/Town

State

ZIP

I first named plaintiff

I first named defendant

Number 08cv2397

If Installations, Inc.

eding has been commenced: U.S. District Court  
and Complaint

check and complete appropriate box)

cannot with reasonable diligence be found at the registered

nt and maintain a registered agent in Illinois.

Month &amp; Day

Year

; the conditions  
t; and the action, suit or proceeding has been instituted against  
hin five (5) years thereafter.

isact business in Illinois has been withdrawn/revoked (circle

Year

ation that has transacted business in Illinois without procuring  
s of the Business Corporation Act of 1983.

a copy of the attached process, notice or demand to be sent by  
erstein, Reg. Agt, 7004 N. Rockwell, Chicago, IL 60645

erjury, that the facts stated herein are true, correct and complete.

May 27

2008

Month &amp; Day

Year

251-9700

Telephone Number

ClientCaseID: N7660 DPL  
Law Firm ID: WHITFIEL



CaseReturnDate: 6/15/08

Affidavit of Special Process Server

## UNITED STATES DISTRICT COURT

Case Number **08CV2397**

I, **TERRENCE RYAN**

FIRST DULY SWORN ON OATH STATES THAT I AM OVER 18 YEARS OF AGE AND NOT A PARTY TO THIS SUIT AND IS A REGISTERED EMPLOYEE OF ILLINOIS DEPARTMENT OF PROFESSIONAL REGULATION PRIVATE DETECTIVE AGENCY #117-001292 STERN PROCESS & INVESTIGATION LLC 205 W. RANDOLPH ST. #1210 CHICAGO IL 60606

### ABODE SERVICE

THAT I SERVED THE WITHIN **SUMMONS AND COMPLAINT**

ON THE WITHIN NAMED DEFENDANT **Gershon Sapperstein**  
PERSON SERVED **MRS. STREFF ( MOH )**

I SERVED A MEMBER OF HOUSEHOLD 13 YEARS OF AGE OR OLDER AT THE DEFENDANTS USUAL PLACE OF ABODE AND INFORMED THAT PERSON OF THE CONTENTS THEREOF AND FURTHER MAILED A COPY OF THE SUMMONS OR PROCESS IN A SEALED ENVELOPE WITH POSTAGE PREPAID TO THE DEFENDANT, AT HIS USUAL PLACE OF ABODE WITHIN TWO BUSINESS DAYS OF THE SERVICE.

That the sex, race and approximate age of the person whom I left the **SUMMONS AND COMPLAINT**  
are as follow:

Sex **FEMALE** Race **WHITE** Age **54**  
Height **5'4"** Build **MEDIUM** Hair **BROWN**

LOCATION OF SERVICE

**7004 N ROCKWELL  
CHICAGO, IL, 60645**

Date Of Service: **5/26/08**

Time of Service: **12:00 PM**

Date Of Mailing **5/27/2008**

TERRENCE RYAN

**Special Process Server**

P.E.R.C. #129-238426

Under penalties of perjury as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statement are true and correct, except as to matters therein stated to be on information and belief and such matters the undersigned certifies as aforesaid that he/she verily believes same to be true.

# **EXHIBIT B**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TRUSTEES of the CHICAGO REGIONAL  
COUNCIL OF CARPENTERS PENSION FUND,  
CHICAGO REGIONAL COUNCIL OF  
CARPENTERS WELFARE FUND, and CHICAGO  
REGIONAL COUNCIL OF CARPENTERS  
APPRENTICE & TRAINEE PROGRAM FUND,

Plaintiffs,

v.

TOP SHELF INSTALLATIONS, INC., and  
GERSHON SAPPERSTEIN, individually and  
d/b/a TOP SHELF INSTALLATIONS, INC.,  
a dissolved Illinois corporation,

Defendants.

CASE NO. 08-CV-2397

JUDGE DOW

**DECLARATION OF JAMES ROSEMEYER**

Pursuant to 28 U.S.C. § 1746, I, James Rosemeyer, do declare under penalty of perjury that the following is true and correct:

1. I am the Manager of the Employer Contributions Department for the Chicago Regional Council of Carpenters Pension Fund and the Chicago Regional Council of Carpenters Welfare Fund (collectively, the "Trust Funds"), and in such capacity I am authorized to make this Declaration on behalf of the Trust Funds.

2. The Defendants, TOP SHELF INSTALLATIONS, INC., and GERSHON SAPPERSTEIN, individually and d/b/a TOP SHELF INSTALLATIONS, INC., a dissolved Illinois corporation (hereinafter, "Defendant"), executed an Agreement with the Chicago Regional Council of Carpenters ("Union") whereby it agreed to be bound by the provisions of a

Collective Bargaining Agreement and to all Collective Bargaining Agreements subsequently negotiated.

3. Pursuant to the provisions of the Agreement and the Collective Bargaining Agreements, the Defendant agreed to be bound by the provisions of the Agreements and Declarations of Trust, which created the Plaintiffs' Trust Funds.

4. Pursuant to the provisions of the Collective Bargaining Agreements and Trust Agreements, the Defendant is required to submit monthly reports, which list the number of hours worked by its carpenter employees, and the Defendant is required to pay contributions based upon the hours listed.

5. The Defendant submitted the contribution reports for the period April 2007 through June 2007 but did not remit all owed ERISA contributions. The reports show that \$915.09 is owed in ERISA contributions.

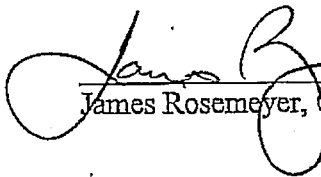
6. The Defendant failed to remit reports and contributions for the period January 2008 through March 2008. Based on the company's previous contribution history, we have estimated that the company owes \$29,155.50 in ERISA contributions. The Defendant also failed to remit the union dues it withheld from the employees' wages. The amount of dues withheld is estimated at \$2,002.20 for the period January 2008 through March 2008.

7. Because of its failure to pay contributions in a timely manner, the Trust Agreement and Collective Bargaining Agreement mandate the assessment of liquidated damages. The liquidated damages calculation was based on the rate set forth in the controlling Trust Agreements, which is 1.5% compounded per month. The amount of liquidated damages owed is \$2,809.03 for the period April 2007 through March 2008.

8. The interest calculation is based on the ERISA Section awarding such interest, 29 U.S.C. § 1132(g)(2) and because the relevant Trust Agreements do not specify the rate of interest, the calculations were done pursuant to Section 6621 of the Internal Revenue Code. The amount of interest owed is \$535.83.

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Declaration is true and correct.

Date: 6/24/08

  
James Rosemeyer, Contributions Manager

23546 TOP SHELF INSTALLATIONS INC  
 6749 W DEMPSTER #211  
 MORTON GROVE IL 60053

	FRINGES	DUES	LD'S	INTEREST
Apr-07	\$155.96	\$0.00	\$36.14	\$13.03
May-07	\$397.67	\$0.00	\$84.92	\$30.33
Jun-07	\$361.46	\$0.00	\$70.71	\$25.02
Sep-07	\$0	\$0.00	\$38.47	\$0
Oct-07	\$0	\$0.00	\$503.09	\$0
Nov-07	\$0	\$0.00	\$283.60	\$0
Jan-08 ESTIMATE	\$9,718.50	\$667.40	\$751.24	\$209.95
Feb-08 ESTIMATE	\$9,718.50	\$667.40	\$596.72	\$155.19
Mar-08 ESTIMATE	\$9,718.50	\$667.40	\$444.14	\$102.31
 TOTALS	 \$30,070.59	 \$2,002.20	 \$2,809.03	 \$535.83
 TOTAL AMOUNT DUE		 \$35,417.65		

Summary of Contributions, Liquidated Damages & Interest Due  
For The Reporting Period(s) Specified Below  
Computed Through June 23, 2008

**Employer Information**

File Number 23546  
Name TOP SHELF INSTALLATIONS INC  
Address 3925 TRIUMVERA DR 16D  
City, State GLENVIEW, IL. 60025-0366  
Telephone

Page Number 1 of 3  
Reference Number: 8-127  
Date Printed: 06/20/2008

Reporting Period	Delinquent Contributions	Liquidated Damages (1)	Interest (1)	Total Due
April, 2007	\$ 155.96	\$ 36.14	\$ 13.03	\$ 205.13
May, 2007	397.67	84.92	30.33	512.92
June, 2007	361.46	70.71	25.02	457.19
January, 2008	9,718.50	751.08	209.95	10,679.53
February, 2008	9,718.50	596.36	155.19	10,470.05
March, 2008	9,718.50	443.93	102.31	10,264.74
<b>Grand Total</b>	<b>\$ 30,070.59</b>	<b>\$ 1,983.14</b>	<b>\$ 535.84</b>	<b>\$ 32,589.57</b>

(1) See Attached Computation

Total Amount Due : \$ 32,589.57 If Paid by June 23, 2008



Computation of Liquidated Damages  
For The Reporting Period(s) Specified Below  
Computed Through June 23, 2008

**Employer Information**

File Number 23546  
Name TOP SHELF INSTALLATIONS INC  
Address 3925 TRIUMVERA DR 16D  
City, State GLENVIEW, IL. 60025-0366  
Telephone

Page Number 2 of 3  
Reference Number: 8-127  
Date Computed: 06/20/2008

Reporting Period	Contributions Due	Computation Base	Compounding Periods	Computed Damages (2)	Total (3) Damages For Reporting Period
April, 2007	\$ 155.96	\$ 155.96	14	\$ 36.14	\$ 36.14
May, 2007	397.67	397.67	13	84.92	84.92
June, 2007	361.46	361.46	12	70.71	70.71
January, 2008	9,718.50	9,718.50	5	751.08	751.08
February, 2008	9,718.50	9,718.50	4	596.36	596.36
March, 2008	9,718.50	9,718.50	3	443.93	443.93
<b>Total</b>	<b>\$ 30,070.59</b>				<b>\$ 1,983.14</b>

(2) 1.50% Compounded per Month (or portion thereof)

Computation of Interest  
For The Reporting Period(s) Specified Below  
Computed Through June 23, 2008

**Employer Information**

File Number 23546  
Name TOP SHELF INSTALLATIONS INC  
Address 3925 TRIUMVERA DR 16D  
City, State GLENVIEW, IL. 60025-0366  
Telephone

Page Number 3 of 3  
Reference Number: 8-127  
Date Computed: 06/20/2008

Reporting Period	Contributions Due	Computation Base	Delinquent Period From	To	Days	Computed Interest (3)	Total Interest For Reporting Period
April, 2007	\$ 155.96	\$ 155.96	05/21/2007	06/23/2008	400	\$ 13.03	\$ 13.03
May, 2007	397.67	397.67	06/21/2007	06/23/2008	369	30.33	30.33
June, 2007	361.46	361.46	07/21/2007	06/23/2008	339	25.02	25.02
January, 2008	9,718.50	9,718.50	02/21/2008	06/23/2008	124	209.95	209.95
February, 2008	9,718.50	9,718.50	03/21/2008	06/23/2008	95	155.19	155.19
March, 2008	9,718.50	9,718.50	04/21/2008	06/23/2008	64	102.31	102.31
<b>Total</b>	<b>\$ 30,070.59</b>						<b>\$ 535.84</b>

# **EXHIBIT C**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TRUSTEES of the CHICAGO REGIONAL  
COUNCIL OF CARPENTERS PENSION FUND,  
CHICAGO REGIONAL COUNCIL OF  
CARPENTERS WELFARE FUND, and CHICAGO  
REGIONAL COUNCIL OF CARPENTERS  
APPRENTICE & TRAINEE PROGRAM FUND

Plaintiffs,

v.

TOP SHELF INSTALLATIONS, INC., and  
GERSHON SAPPERSTEIN, individually and  
d/b/a TOP SHELF INSTALLATIONS, INC.,  
a dissolved Illinois corporation

Defendant.

CASE NO. 08-CV-2397

JUDGE DOW

**DECLARATION OF DAVID P. LICHTMAN**

Pursuant to 28 U.S.C. § 1746, I, David P. Lichtman, do declare under penalty of perjury that the following is true and correct:

1. I am an associate in the law firm of Whitfield McGann & Ketterman and one of the attorneys for Plaintiffs in the above captioned matter. I am licensed to practice law in the State of Illinois and for the United States District Court for the Northern District of Illinois. I make this Declaration in support of Plaintiffs' Motion for Default Judgment.

2. I have personal knowledge of the facts stated herein and am competent to give testimony as recited herein and from my own personal knowledge.

3. The Collective Bargaining Agreement and the Trust Agreements under which this action is based provide for the payment of liquidated damages, audit fees and attorneys' fees and

costs incurred for failure of a signatory contractor to pay contributions in accordance with those Agreements.

4. I, David P. Lichtman, have devoted 9.75 hours in connection with the above-captioned case at the rate of \$175.00 per hour. My total billings are \$1,706.25.

5. In addition, the filing fee was \$350.00 and the fees for service of process were an additional \$75.98. These costs total \$425.98.

6. I certify that the attached detailed attorney fees and costs totaling \$2,132.23 were necessary and reasonable.

7. Notice of this Motion for Default was given to Defendant by mailing a copy of the same to Gershon Sapperstein, individually at 7004 Rockwell, Chicago, IL 60645, and Gershon Sapperstein, Registered Agent of Top Shelf Installations, Inc., at 3925 Triumrera Dr., 16D, Glenview, IL 60025.

Dated June 25, 2008

  
David P. Lichtman

Attorney for the Plaintiffs  
Whitfield McGann & Ketterman  
111 E. Wacker Drive  
Suite 2600  
Chicago, IL 60601  
(312) 251-9700, Fax (312) 251-9701  
dlichtman@whitfield-mcgann.com  
Attorney No. 6290051

6/25/2008  
11:37 AMWHITFIELD, McGANN & KETTERMAN  
Slip Listing

Page 1

## Selection Criteria

Slip Date            Earliest - 6/25/2008  
 Slip Classification    Open  
 Case (hand select)    Include: CTF-C./N7660/23546

Rate Info - identifies rate source and level

Slip ID	Dates and Time	Posting Status	Description	ATTORNEY Activity Case Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
356761	TIME			DPL	0.50	175.00	87.50
	4/25/2008			Billable	0.00	T@7	
	Billed	G:73389	5/1/2008	CTF-C./N7660/23546	0.00		
			Review referral from Trust funds on		0.00		
			04/24/08; prepare file; review corporate				
			status and registered agent information for				
			legal process.				
356851	TIME			<del>OPW</del>	<del>0.50</del>	<del>130.00</del>	<del>40.50</del>
	4/25/2008			Lexis	0.00	A@1	
	Billed	G:73389	5/1/2008	CTF-C./N7660/23546	0.00		
			Search Illinois Secretary of State database		0.00		
			for corporate information including registered				
			agent of the corporation for purposes of				
			service; search for related companies;				
			perform asset search of company and				
			principals.				
356760	TIME			DPL	2.00	175.00	350.00
	4/25/2008			Billable	0.00	T@7	
	Billed	G:73389	5/1/2008	CTF-C./N7660/23546	0.00		
			Prepared summons, complaint, appearance		0.00		
			forms and civil cover sheet for Trust Funds'				
			claims and compliance matters pursuant to				
			ERISA Sec. 1132, 1145 and THA Sec. 301.				
356915	TIME			DPL	1.00	175.00	175.00
	4/28/2008			Billable	0.00	T@7	
	Billed	G:73389	5/1/2008	CTF-C./N7660/23546	0.00		
			Prepare correspondence to legal process		0.00		
			server Scott Forrest Stern & Associates, Inc.				
			regarding service of the summons and				
			complaint on the defendant; prepare				
			correspondence to James Rosemeyer,				
			ERISA Contributions Manager, Chicago				
			District Council of Carpenters' Trust Funds				
			regarding the filing of the complaint; enclose				
			copy of the summons and complaint; docket				
			follow-up dates for service.				

6/25/2008  
11:37 AMWHITFIELD, McGANN & KETTERMAN  
Slip Listing

Page

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Slip ID	Dates and Time	Posting Status	Description	ATTORNEY Activity Case Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
356916	TIME			DPL	0.40	175.00	70.00
	4/28/2008			Billable	0.00	T@7	
	Billed	G:73389	5/1/2008	CTF-C./N7660/23546	0.00		
			Review complaint filed at the Federal Court; enter pertinent information (e.g., filing date, case number and assigned judge) into database; review judge's standing order regarding pre-trial litigation, motion practice and status hearing dates; update file/database regarding same.		0.00		
357443	EXP			CPW	1	350.00	350.00
	5/1/2008			\$DC			
	Billed	G:73597	6/2/2008	CTF-C./N7660/23546			
			FILING FEE (4/28/08)				
358287	TIME			DPL	0.25	175.00	43.75
	5/23/2008			Billable	0.00	T@7	
	Billed	G:73597	6/2/2008	CTF-C./N7660/23546	0.00		
			Review e-mail sent by the U.S. Dist. Court for the Northern Dist. of Illinois regarding MINUTE entry before the Honorable Robert M. Dow, Jr: The Court's review of the complaint indicates that it is appropriate to give this ERISA case expedited treatment. The parties are authorized to proceed with all discovery. Discovery to be completed by 8/28/08. Plaintiff to make a disclosure pursuant to Fed.R.Civ.P. 26(a)(1) by 6/17/08. Parties to file a joint status report by 6/26/08. (See Judges Web Page for Status Report) Status hearing set for 7/3/08 at 9:00a.m. Plaintiff should notify all other parties of the court's order; download documents to the file folder; print document and enclose in file.		0.00		
358403	EXP			CPW	1	10.00	10.00
	5/27/2008			\$BC			
	Billed	G:73597	6/2/2008	CTF-C./N7660/23546			
			SECRETARY of STATE				
359233	EXP			CPW	1	10.98	10.98
	6/6/2008			\$CERT.			
	WIP			CTF-C./N7660/23546			
			2 CERTIFIED MAIL				
359225	TIME			DPL	0.40	175.00	70.00
	6/6/2008			Billable	0.00	T@7	
	WIP			CTF-C./N7660/23546	0.00		
			Review affidavit of compliance for service on Secretary of State under the Illinois Business		0.00		

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Slip ID	Dates and Time	ATTORNEY Activity	Units DNB Time	Rate Rate Info	Slip Value
Posting Status		Case	Est. Time	Bill Status	
Description		Reference	Variance		
Corporation Act of 1983; electronically file the proof of service with the clerk of the U.S. Dist. Court for the Northern Dist. of Illinois; send via certified and regular mail to registered agent.					
359226	TIME	DPL	0.25	175.00	43.75
6/6/2008		Billable	0.00	T@7	
WIP		CTF-C./N7660/23546	0.00		
Review e-mail sent by the U.S. Dist. Court for the Northern Dist. of Illinois regarding the proof of filing the summons returned as executed; download documents to the file folder; print document and enclose in file.			0.00		
359739	TIME	DPL	0.50	175.00	87.50
6/17/2008		Billable	0.00	T@7	
WIP		CTF-C./N7660/23546	0.00		
Draft correspondence to James Rosemeyer, ERISA Contributions Manager, Chicago District Council of Carpenters' Trust Funds requesting a breakdown of all ERISA fringe benefit contributions owed and the accompanying calculation of liquidated damages and interest pursuant to the terms of the trust agreements and Internal Revenue Code.			0.00		
360087	TIME	DPL	0.20	175.00	35.00
6/23/2008		Billable	0.00	T@7	
WIP		CTF-C./N7660/23546	0.00		
Review e-mail sent by Rich Oginski, Trust Fund Field Rep., regarding amounts owed in fringe benefits, interest and liquidated damages for months of April 2007 through March 2008.			0.00		
360090	TIME	DPL	1.00	175.00	175.00
6/23/2008		Billable	0.00	T@7	
WIP		CTF-C./N7660/23546	0.00		
Prepare affidavit for Trust Fund Manager James T. Rosemeyer in support of the Trust Funds' motion for default judgment; affidavit to support claim for ERISA fringe benefit contributions, and calculation of liquidated damages and interest pursuant to the terms of the trust agreements and Internal Revenue Code; prepare correspondence to Rosemeyer regarding the affidavit and request for execution.			0.00		



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Slip ID	Dates and Time	Posting Status	ATTORNEY Activity Case Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
360238	TIME		DPL	2.00	175.00	350.00
6/24/2008			Billable	0.00	T@7	
WIP			CTF-C./N7660/23546	0.00		
Review court file to determine if Answer filed; review office file for Answer; confirm Answer due dates; review U.S. District Court web site to verify the date and time that the presiding Judge hears motions; prepare motion for default judgment pursuant to F. Rul. Civ. P. 55 for failure to answer or otherwise plead.				0.00		
360239	TIME		DPL	0.50	175.00	87.50
6/24/2008			Billable	0.00	T@7	
WIP			CTF-C./N7660/23546	0.00		
Prepare a proposed judgment in support of the Trust Funds motion; calculate all amounts owed.				0.00		
360240	TIME		DPL	0.75	175.00	131.25
6/24/2008			Billable	0.00	T@7	
WIP			CTF-C./N7660/23546	0.00		
Review file for all entries for the attorney billings and costs incurred; compare with work performed on the file; prepare attorney fee declaration / affidavit and exhibits; incorporate amounts into themotion and judgment order; prepare the document for electronic filing.				0.00		
Grand Total			Billable	<del>10.10</del>		<del>2122.73</del>
			Unbillable	0.00		0.00
			Total	<del>10.10</del>		<del>2122.73</del>

9.75  
 Fls fee  
 Service  
 Soc on Soc. & State  
 2 Certified Mail

1,706.25  
 350.00  
 55.00  
 10.00  
 10.98

Grand Total \$ 2,132.23

DPL